

08/11/03 15563 U.S. PTO

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DOCKET NUMBER	ANTICIPATED CLASSIFICATION OF THIS APPLICATION:		PRIOR APPLICATION	
	CLASS	SUBCLASS	EXAMINER	ART UNIT
11587.16USC2			B. PELLEGRINO	3738

CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: EV347836412US
Date of Deposit: August 11, 2003

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By:

Name: John J. Jurskis

03915 U.S. PTO
10/639614
08/11/03

CONTINUATION APPLICATION UNDER 37 C.F.R. § 1.53(b)

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is a request for filing a continuation application under 37 CFR § 1.53(b) of Serial No. 10/095,165, filed on March 8, 2002 entitled HEALING TRANSMYOCARDIAL IMPLANT by the following inventor(s):

Full Name Of Inventor	Family Name TWEDEN	First Given Name KATHERINE	Second Given Name S.
Residence & Citizenship	City MAHTOMEDI	State or Foreign Country MINNESOTA	Country of Citizenship USA
Post Office Address	Post Office Address 1175 ASHLEY LANE	City MAHTOMEDI	State & Zip Code/Country MINNESOTA 55115/USA
Full Name Of Inventor	Family Name VANNEY	First Given Name GUY	Second Given Name P.
Residence & Citizenship	City BLAINE	State or Foreign Country MINNESOTA	Country of Citizenship USA
Post Office Address	Post Office Address 9809 TYLER STREET	City BLAINE	State & Zip Code/Country MINNESOTA 55434/USA

- ☒ Enclosed is a copy of the prior application; including the specification, claims, drawings, a signed oath or declaration, and any amendments referred to in the oath or declaration filed to complete the prior application. (It is noted that no amendments referred to in the oath or declaration filed to complete the prior application introduced new matter therein.) The continuing application is as follows: 10 pages of specification, 17 claims, 1 page of abstract, 2 sheets of drawings, and 4 pages of oath or declaration.
- ☒ The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

2. ☐ Cancel original claims of this application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
3. ☒ The filing fee is calculated below:

CLAIMS AS FILED

NUMBER FILED	NUMBER EXTRA		RATE	FEE
TOTAL CLAIMS: 17 -20	0	x	\$9.00	0.00
INDEPENDENT CLAIMS 2 -3	0	x	\$42.00	0.00
			BASIC FILING FEE:	\$375.00
			TOTAL FILING FEE:	\$375.00

- ☒ Small entity status is claimed pursuant to 37 CFR 1.27.

4. ☒ Payment of fees:
☐ Attached is a check in the amount of
☐ Please charge Deposit Account No. 13-2725.
☒ **PAYMENT OF THE FILING FEE IS BEING DEFERRED.**
5. ☒ The Commissioner is hereby authorized to charge any additional fees as set forth in 37 CFR §§ 1.16 to 1.18 which may be required by this paper or credit any overpayment to Account No. 13-2725.
6. ☒ Amend the specification by inserting before the first line the sentence:

"This application is a continuation of application Serial No. 10/095,165, filed March 8, 2002, which is a continuation of application Serial No. 09/141,284, filed August 27, 1998, now U.S. Patent No. 6,406,488, which applications are incorporated herein by reference."
7. ☐ A set of formal drawings (sheets) is enclosed.
8. ☐ Priority of application Serial No. , filed on in , is claimed under 35 U.S.C. 119.
☐ The certified copy has been filed in prior application Serial No. , filed .
9. ☒ The prior application is assigned of record to HeartStent Corporation located at Minneapolis, Minnesota.
10. ☒ The Power of Attorney in the prior application is to:

Merchant & Gould P.C.
Minneapolis, MN 55402-2215

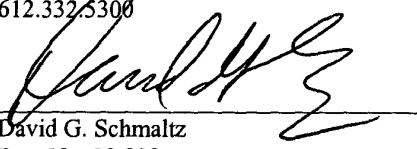
11. ☐ A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)
- ☐ Fee for excess claims is attached.

12. ☒ A petition and fee has been filed to extend the term in the prior application until August 11, 2003. A copy of the petition for extension of time in the prior application is attached.
13. ☐ The inventor(s) in this application are less than those named in the prior application and it is requested that the following inventors identified above for the prior application be deleted:
14. ☐ A Nonpublication Request under 37 CFR 1.213(a) is enclosed.
15. ☐ Also Enclosed:
16. ☒ Address all future communications to the **Attention of David G. Schmaltz** (may only be completed by attorney or agent of record) at the address below.
17. ☒ A return postcard is enclosed.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903
612.332.5300

Date: 8/11/03



David G. Schmaltz
Reg. No. 39,828
DSchmaltz/aml

Receipt is hereby acknowledged for the following in the U.S. Patent and Trademark Office:

In re Application of: TWEDEN ET AL.

For: HEALING TRANSMYOCARDIAL IMPLANT

Docket No.: 11587.16USC1

Filed: MARCH 8, 2002

Serial No.: 10/095,165

Due Date: AUGUST 10, 2003

(SUNDAY)

Date Mailed: August 11, 2003

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Small entity status has been previously established
- ☒ Request for Extension of Time for three months and fee of \$465.00
- ☒ Communication
- ☒ Return postcard

Patent

DSchmaltz/aml

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	TWEDEN ET AL.	Examiner:	B. PELLEGRINO
Serial No.:	10/095,165	Group Art Unit:	3738
Filed:	MARCH 8, 2002	Docket:	11587.16USC1
Confirmation No.:	4431	Customer No.:	23552
Due Date:	AUGUST 10, 2003 (SUNDAY)		
Title:	HEALING TRANSMYOCARDIAL IMPLANT		

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: , Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 11, 2003.

By: 

Name: Anne Lee

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

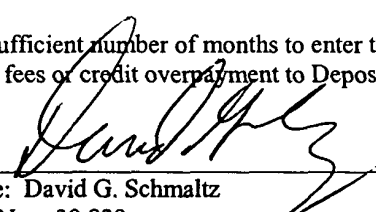
Sir:

We are transmitting herewith the attached:

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Small entity status has been previously established
- ☒ Request for Extension of Time for three months and fee of \$465.00
- ☒ Communication
- ☒ Return postcard

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

MERCHANT & GOULD P.C.
P.O. Box 2903, Minneapolis, MN 55402-0903
612.332.5300

By: 
Name: David G. Schmaltz
Reg. No.: 39,828
DSchmaltz/aml

S/N 10/095,165

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	TWEDEN ET AL.	Examiner:	B. PELLEGRINO
Serial No.:	10/095,165	Group Art Unit:	3738
Filed:	MARCH 8, 2002	Docket No.:	11587.16USC1
Customer No.:	23552		
Title:	HEALING TRANSMYOCARDIAL IMPLANT		

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service, as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on August 11, 2003.

By: Anne Lee
Name: Anne Lee

COMMUNICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

We have filed a Petition for Extension of Time for the above-identified patent application on the date concurrent herewith. This Petition was filed to keep the application pending, as we have also filed a continuation patent application claiming priority to this application on the date concurrent herewith.

Please contact the undersigned attorney at 612.336.4617 with any questions or concerns.

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903
612.332.5300

Dated: 8/11/03

Signed: David G. Schmaltz
Name: David G. Schmaltz
Reg. No.: 39,828
DGS/aml